

Criminal Jurisprudence Committee
Written Testimony Regarding Interim Charge 2

Madame Chairman and members of the Committee,

Thank you for the opportunity to provide written testimony on Interim Charge 2.

The Texas Municipal Police Association (TMPA) represents over 30,000 public safety professionals from law enforcement agencies across the state of Texas. On behalf of our membership, we appreciate this opportunity to offer testimony, and explain why we believe the ability to utilize an arrest in a Class C offense is essential to keep the public safe.

While an individual cannot be sentenced to jail time for the commission of a Class C Misdemeanor, the ability of an officer to arrest a suspect for this lower level offense is often the only reason a suspect in a major crime is apprehended.

We will provide several examples of how this ability has led to the apprehension of wanted fugitives, prevention of violent persons from fleeing apprehension and/or prosecution, assisted in the deportation of violent offenders, and provided the opportunity to remove dangerous narcotics from the streets of our Texas Communities.

SD9 / HD 91: Metroplex Area Rape and Homicide Suspect Apprehended Due to Class C arrest:

In 2004, a detective in a suburban area of the Dallas metroplex area was investigating the brutal rape and murder of a 27-year-old woman. Through the hard work and determination of the investigators assigned to the case, they soon located a person of interest and interviewed him. At the conclusion of that interview, the investigator determined there were inconsistencies in his account of the involvement with the victim. The investigators were able to obtain voluntary consent from the subject, who provided his fingerprints and DNA. Unfortunately for law enforcement, technology is not what it is constantly portrayed as on prime television, meaning we do not get the results back within the hour. Because of the experience of the investigators, they became concerned the subject may attempt to flee. Surveillance was set up on the subject and sure enough, he packed a bag, entered his car and began driving away. The surveillance team stopped the subject, and it was clear he was leaving town with no intention to come back. The officers arrested the subject on a non-violent Class C misdemeanor offense, and he was transported to the police department. Soon after, the investigators received a forensic report indicating the fingerprints they obtained from the subject matched the fingerprints located at the crime scene of the rape and murder victim. If not for a Class C arrest, the suspect would have evaded apprehension.

SD3 / HD57: East Texas Area Homicide Suspect Apprehended Due to Class C arrest:

In 2015, in a small east Texas community, a patrol officer conducted a traffic stop on an individual for a common traffic violation. Through the course of the stop, the officer found the driver of the car (a South American citizen) had an active warrant for homicide out of Florida. The issuing agency refused to confirm the status of the warrant, as they were unwilling to come to Texas to custody of

him. The driver of the vehicle had no valid driver license issued to him, which led to the officer arresting the driver for that non-violent Class C Misdemeanor offense. The Department of Homeland Security took custody of the suspected violent fugitive and he was removed from Texas.

SD2 / HD 107: Metroplex Area Homicide Suspect Apprehended Due to Class C Arrest:

Another example can be found in an encounter a suburban police officer had with a suspicious acting male. The officer talked with the suspicious male and that conversation led the officer to believe the male was likely a wanted fugitive, however the male did not have any form of identification on him and he was providing a name and date of birth that was not retrieving any records through the state or national databases. The officer arrested the person for a nonviolent Class C Misdemeanor and took him to the jail, where his fingerprints were run through the national and state database. This yielded in the discovery that this man was a fugitive from justice from a Central Texas County, after he had stabbed his 16-year-old stepson. It was also learned that he was a wanted parolee from Mississippi on the charge murder as well as the suspect in the murder of a federal drug witness.

SD24 / HD54: Central Texas Area Suspect Carrying Narcotics with Intent to Distribute Apprehended Due to Class C Arrest:

In a Central Texas County, a deputy Sheriff conducted a traffic stop for another commonly committed traffic violation. Through the course of that stop, the Deputy obtained consent to search the vehicle and located drug paraphernalia. The Deputy was an experienced interdiction officer and became suspicious because of the demeanor of the female occupant of the vehicle. As reported by the Deputy, most narcotic users who are found with paraphernalia are concerned about receiving a citation (as that is what they generally receive) however the suspect was overly concerned about being released. The Deputy arrested the female for the offense of Possession of Drug paraphernalia and transported her to the county jail. While at the county jail, the female was found to be in possession of over 45grams of crystal methamphetamines, which she hidden in a body cavity while being stopped.

In Closing:

Most Class C Misdemeanor do not lead to an arrest. In fact, even though officers have the discretion to arrest in almost all Class C cases – including traffic offenses – arrests are extremely rare. The vast majority of police contacts revolving around Class C Misdemeanors result in warnings or citations being issued. However, as these and many more examples from across our state and nation can attest, the ability to arrest in a Class C offense is critical and valuable investigative tool for our officers to use only when needed – while maintaining their duty to keep our communities safe. Without the discretion to arrest individuals on these lower level offenses, the very worst criminals may be able to evade capture.